



November 29, 2017

**VIA ECF**

The Honorable Cathy Seibel,  
U.S. District Court Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street, Courtroom 621  
White Plains, NY 10601-4150

Norton Rose Fulbright US LLP  
RBC Plaza  
60 South Sixth Street, Suite 3100  
Minneapolis, Minnesota 55402  
United States

**Timothy M. Kenny**  
**Head of IP Brands, United States**  
Direct line +1 612 321 2805  
tim.kenny@nortonrosefulbright.com

Tel +1 612 321 2800  
Fax +1 612 321 2288  
nortonrosefulbright.com

Re: *General Electric Company v. Gas Turbine Controls Corporation*, Case No. 17-cv-7188  
(CS)

Dear Judge Seibel,

We represent Plaintiff General Electric Company ("GE") in the above-referenced case and we write in response to Defendant Gas Turbine Control's ("GTC") unilateral and unconsented to letter motion seeking a fourth extension to file an answer, motion or other response to GE's Complaint. GE submits this letter to briefly clarify several vague points in GTC's motion, to explain why GE did not consent to this fourth request, and to request respectfully that if the Court does grant GTC's motion, that GTC's time for providing its response be very limited (a week or less) and that GTC's response be limited to filing an Answer (and not any motion).

GE notes the following:

- GE's Complaint was filed and served on September 22, 2017.
- GE has consented to three, two-week extensions requested by GTC. In each instance, GTC promised to provide requested information and provide a settlement proposal.
- GE has made it clear to GTC's prior and current counsel from the initial communications to the present that GE is open to discussing settlement, but has also made clear that GTC must provide certain relevant information and make a settlement proposal before the parties meet for any settlement discussions.
- Pursuant to the Court's Order granting the Third Motion for Extension, GTC's deadline to respond was Monday, November 27.
- On Wednesday, November 22 at approximately 6:00 pm ET (the eve of the Thanksgiving holiday), GTC's counsel left me a voicemail and email indicating GTC wanted to meet for settlement discussions on December 1 or the week of December 4.
- I communicated with GE Wednesday night and Thursday (Thanksgiving morning) and responded to GTC's counsel on Thursday morning to reiterate that GE would consider GTC's request to extend and meet if – as we previously had told GTC several times – GTC provided relevant information and made a settlement proposal so that GE could assess whether a meeting would be productive. I advised GTC's counsel that GE understood that GTC's Answer deadline was fast approaching, so we were standing by over the holiday weekend to quickly review whatever they sent and respond immediately.

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- I received a response Friday afternoon indicating GTC did not understand what information we needed. I responded on Saturday night with an explanation.
- A little before noon ET on Monday, GTC's counsel called and left me a voicemail and sent me an email. We spoke around 1:00 pm ET regarding GTC's preferred course for discussing settlement and she requested that GTC consent to a fourth extension of time for GTC to respond or agree to place the case on the suspension calendar. I told her I would have to speak with GE before responding.
- I conveyed GE's response that it would not consent to any more extensions (or agree to placement of the case on the suspension calendar) to GTC's counsel as soon as I was able late in the afternoon. Shortly thereafter, GTC filed its fourth request for extension.
- GE still has not received any requested information or a settlement proposal from GTC.
- GE remains willing to consider settlement, but in the absence of the requested information and a settlement proposal from GTC, and in light of the passage of 68 days and numerous consented extensions, must proceed with litigating this dispute to obtain relief from the Court with respect to GTC's unlawful conduct.

GE respectfully submits that it has acted reasonably in agreeing to three requests for extension, thereby allowing GTC over 60 days to investigate and assess the allegations and facts and to formulate a settlement proposal or prepare its response to GE's Complaint. However, GTC's ongoing inability or unwillingness to make a settlement proposal or file its response – and then its last minute request for further extension – was avoidable and is prejudicing GE's ability to resolve this dispute. Therefore, GE respectfully requests that any additional time that GTC is permitted to respond be limited and that GTC's response be limited to an Answer (and not a motion).

Respectfully submitted,



Timothy M. Kenny

TMK/abm

CC: All counsel of record (via ECF)